

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL
WASHINGTON,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

No. 2:20-cv-2261 AC P

ORDER

Before this court are plaintiff's motion for leave to submit pretrial statements (ECF No. 35) and plaintiff's request for a jury trial (ECF No. 37). Defendants have filed an opposition to plaintiff's motion for leave to submit pretrial statements. ECF No. 36. For the reasons stated below, both motions will be denied.

I. MOTION TO SUBMIT PRETRIAL STATEMENTS

On July 20, 2022, the court granted plaintiff leave to file a first amended complaint within thirty days.¹ ECF No. 34 at 4. That thirty-day period has not yet expired. Because this case remains at the pleading stage, pretrial motions are premature. Moreover, pretrial statements will not be appropriate unless and until ordered by the court following the close of discovery and resolution of any dispositive motions.

¹ In so doing, the court also vacated the discovery and scheduling order that had issued. ECF Nos. 31, 34 at 4.

1 II. MOTION FOR JURY TRIAL

2 As for plaintiff's motion for a jury trial, although the document filed is titled "Demand for
3 a Jury Trial," its primary content is a brief narrative about harassment, physical attacks, and
4 injury plaintiff is experiencing due to his settlement of a different case he filed in this court. See
5 ECF No. 37 (plaintiff referencing Washington v. Young, No. 2:16-cv-1341 JAM DB P). The
6 motion also asks for damages for the incidents. Id. at 2.

7 Plaintiff is informed that the court is unable to address matters related to other cases. If,
8 however, plaintiff's motion was intended to be a first amended complaint,² it is woefully
9 insufficient given that: (1) it is not filed on the complaint form that was sent to plaintiff (see ECF
10 No. 34 at 4), and (2) it does not address and remedy the deficiencies in the original complaint that
11 were clearly identified in the screening order (see generally ECF No. 34) (screening order). For
12 these reasons, the motion will be denied.

13 Plaintiff is further informed that no motion for a jury trial is required. A jury trial will be
14 scheduled in due course, if and when the case proceeds to the trial setting stage. This case is
15 presently at the pleading stage. If plaintiff submits an amended complaint that states viable
16 claims for relief, defendants will be required to answer. A period for discovery will follow, and
17 then dispositive motions will be entertained. Trial setting comes after all of those stages of
18 pretrial litigation.

19 In an abundance of caution, the Clerk of Court will be directed to send plaintiff a new
20 complaint form. Plaintiff is reminded that the first amended complaint that he files must be on
21 that form, and the form must be filled out in its entirety. See ECF No. 34 at 4 (court's reminder
22 of same).

23 Accordingly, IT IS HEREBY ORDERED that:


- 24 1. Plaintiff's motion for a pretrial statement (ECF No. 35) is DENIED as premature;

25 _____
26 ² The court suspects that the motion for a jury trial may be intended as plaintiff's first amended
27 complaint because the initial complaint also included allegations that plaintiff was being harassed
28 and attacked for having settled a previous case. Compare ECF No. 1 at 2, with ECF No. 37 at 1
(both filings referencing problems stemming from having settled Washington v. Young, No. 2:16-
cv-1341 JAM DB P).

2. Plaintiff's motion for a jury trial (ECF No. 37) is DENIED; and

3. The Clerk of Court is directed to send plaintiff a second copy of the court's Civil Rights Complaint by a Prisoner.

DATED: August 3, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE